

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

YULIO CERVINO-HERNANDEZ and  
ALEXANDER CASTELLANO-  
BENITEZ,

Defendants.

4:15-CR-3114

MEMORANDUM AND ORDER

This matter is before the Court on the Magistrate Judge's Findings and Recommendation (filing [69](#)) recommending that the Court deny the defendants' respective motions to suppress (filings [47](#) and [57](#)). Neither defendant has objected to the Magistrate Judge's recommendation.

[Title 28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review of a Magistrate Judge's findings or recommendations only when a party objects to them. *Peretz v. United States*, 501 U.S. 923 (1991). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. [NECrimR 59.2\(e\)](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); *see also United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006). Accordingly, the Court will adopt the Magistrate Judge's recommendation that the defendants' motions to suppress be denied, and any objection is deemed waived.

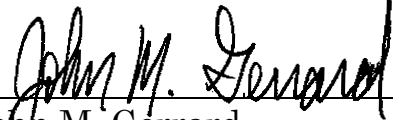
IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation (filing [69](#)) are adopted.
2. The defendant Yulio Cervino-Hernandez's motion to suppress (filing [47](#)) is denied.

3. The defendant Alexander Castellano-Benitez's motion to suppress (filing [57](#)) is denied..

Dated this 18th day of May, 2016.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge